



C.R.P.Nos.817 to 819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

C.R.P.No.817, 818 & 819 of 2023

and C.M.P.No.6242 of 2023

P.Swaminathan

... petitioner in all C.R.Ps

vs.

S.Eshwari

...Respondent in all C.R.Ps

PRAYER in C.R.P.No.817 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal in I.A.No.4 of 2022 in O.S.No.158 of 2016 dated 05.12.2022 passed by the learned Additional Sub Judge, Dharmapuri.

PRAYER in C.R.P.No.818 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal in I.A.No.2 of 2022 in O.S.No.158 of 2016 dated 05.12.2022 passed by the learned Additional Sub Judge, Dharmapuri.

PRAYER in C.R.P.No.819 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal in I.A.No.3 of 2022 in O.S.No.158 of 2016 dated 05.12.2022 passed by the



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learned Additional Sub Judge, Dharmapuri.

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In all C.R.Ps

For Petitioner : Mr. B.Sundrapandian

For Respondent : Mr.S.Conscious Ilango

COMMON ORDER

These Civil Revision Petitions have been preferred by the sole plaintiff in I.A.Nos.2 to 4 of 2022 dated 05.12.2022 in O.S.No.158 of 2016 on the file of the Additional Sub-Court, Dharmapuri.

2. Heard Mr.B.Sundrapandian, learned counsel for the petitioner and Mr.S.Conscious Ilango, learned counsel for the respondent.

3. Suit in O.S.No.158 of 2016 was filed by the revision petitioner P.Swaminathan against his wife S.Eshwari before the Sub-Court, Dharmapuri for the relief of declaration of title and for permanent injunction not to interfere with the peaceful possession and enjoyment of landed property (house).

4. After the closure of both side evidence, when the matter was posted for arguments, the revision petitioner took out three applications in



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I.A.Nos.2 to 4 of 2022 for the purpose of reopening the plaintiff side, to recall P.W.1, and to mark a certified copy of the order passed in M.C.No.14 of 2014 dated 09.02.2015. The learned Trial Judge has passed a common order dismissing the said applications mainly on following two grounds: i) The reasons given in the petition are not believable and ii) If the applications are allowed, the trial goes back to the preliminary stage.

5. It is pertinent to note that, cross-examination of D.W.1 was completed on 05.08.2022 and thereafter, the case was posted for arguments.

6. At that stage, on 28.09.2022, these three applications were taken out by the revision petitioner/plaintiff. It is very pertinent to note that among the documents filed in I.A.No.04 of 2022, the Document No.1, namely certified copy of the order dated 09.02.2015 passed in M.C.No.14 of 2014 on the file of the Family Court, Dharmapuri. In the said M.C.No.14 of 2014, the petitioner had filed copy application on 03.12.2019 and certified copy was delivered on 20.01.2020. The plaintiff side was closed for evidence in the suit on 14.12.2021. As parties to the document are the plaintiff and the defendant, the revision petitioner/plaintiff could have



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utilized the opportunity of marking those documents when the respondent was in the dock.

7. Therefore, I am of the considered view that the petitions have been taken out at very belated stage. I do not find any infirmity in the order of the learned Trial Judge and in order to have full and effective justice, these Civil Revision Petitions stands dismissed with a direction to dispose of the suit within a period of three months from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

21.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To
The Additional Sub Judge, Dharmapuri.



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R.KALAIMATHI, J.

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